

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MPH TECHNOLOGIES OY,  
Plaintiff,  
v.  
APPLE, INC.,  
Defendant.

Case No. [18-cv-05935-TLT](#)

**QUESTIONS RE TENTATIVE RULING  
GRANTING IN PART DENYING IN  
PART MPH'S MOTION FOR LEAVE  
TO AMEND INFRINGEMENT  
CONTENTIONS TO ADD NEW DOE  
CONTENTIONS**

ECF Nos. 103, 109

The Court invites the parties to file responses to the questions below. The Court will consider the parties' responses in determining whether the tentative ruling (regarding MPH TECHNOLOGIES OY (MPH)'s request for leave to amend its infringement contentions) becomes final.

1. **Question (for MPH):** ECF No. 103, at 4:18 shows the year 2012. Is this the correct year?
2. **Question (for Apple):** Did Apple agree to permit MPH to amend its infringement contentions for the '949 and '302 patents based on Apple software and products that were released after MPH's May 15, 2023 contentions?
3. **Question (for MPH):** Does MPH still want to amend its infringement contentions to add new DOE contentions?
4. **Question (for both parties):** Besides anything already discussed above, have the parties met and conferred, agreed, or otherwise stipulated regarding narrowing the issues further?

If so, please provide the Court with details regarding which issues the Court need not resolve anymore.

5. **Question (for MPH):** Prior to the Rule 4-2 exchange, had MPH developed its DOE theories based on Apple's implicit disclosures of its claim construction positions? If not: (1) how soon after the Rule 4-2 exchange did MPH develop its DOE theories? And (2) how soon after the Rule 4-2 exchange could MPH have developed its DOE theories?

If the parties agree to have the Court rule on the papers, and the parties also respond to the questions before the end of the business day today, then the parties do not need to appear at 2:00pm today, March 19, 2024 for the hearing.

IT IS SO ORDERED.

Dated: March 19, 2024

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TRINA L. THOMPSON  
United States District Judge